

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Hastings et al.

Docket No.: PF107D6

Application No.: 10/726,645

Group Art Unit: 1644

Filed: December 4, 2003

Examiner: Belyavskiy, Michail A.

For: Human Osteoclast Derived Cathepsin

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of an claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-DP listed on the attached revised form PTO/SB/08. Copies of references AA-DP were submitted by Applicants or cited by the Examiner in connection with the grandparent U.S. Patent Application Serial No. 08/553,125, filed November 7, 1995, or in the great-grandparent U.S. Patent Application Serial No. 08/208,007, filed March 8, 1994. Pursuant to 36 C.F.R. §1.98(d), the Examiner is directed to the files of the above-listed applications for copies of references AA-DP.

Attorneys for Applicants wish to bring to the attention of the Examiner the following Protests:

- 1) Protest #1, filed in the Canadian Patent Office on July 3, 1998, by Michael E. Wheeler of Smart & Biggar (Ottawa, Ontario, Canada);
- 2) Protest #2, filed in the Canadian Patent Office on July 9, 1998, by Kevin P. Murphy of Swabey Ogilvy Renault (Montreal, Quebec, Canada); and
- 3) Protest #3, filed in the Canadian Patent Office on March 24, 2000, by Kevin P. Murphy of Swabey Ogilvy Renault (Montreal, Quebec, Canada).

A copy of each of the Protests and documents cited therein were submitted by Applicants in connection with grandparent U.S. Patent Application Serial No. 08/553,125, filed November 7, 1995; therefore, no copies are provided.

The above-mentioned Protests and documents referenced therein were brought to the attention of the Applicants in connection with a corresponding Canadian application, that essentially corresponds to the U.S. priority application in this case. Although Applicants believe these documents to be cumulative to the art of record or immaterial to the claims of the instant U.S. application, Applicants bring these documents to the Examiner's attention in the event that they may be material to the patentability of the pending claims in the instant application.


Identification of the listed reference is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such reference is available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over the listed document should it be applied as a reference against the claims of the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), since this information disclosure statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425.

Respectfully submitted,

Date: February 25 2005

  
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